

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 13, 14, 17-22, 35-39, 64 and 67-102 are pending in the application, with claims 1, 64, 67, and 84 being the independent claims. Claims 1, 17, 18, 35, 64, 67, 70, 71, and 76 are sought to be amended. New claims 81-102 are sought to be added. Applicants reserve the right to prosecute similar or broader claims, with respect to any amended or cancelled claims, in the future. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn. Throughout the arguments, Applicants remind the Examiner that the claims are given their broadest reasonable meaning in view of the specification, and any paraphrasing of the claim features is not to be interpreted as reading any features into, or characterizing of, the claims.

Telephone Interview Held December 10, 2012

Applicants would like to thank Examiner Winder for the courtesy of the telephone interview held on December 10, 2012 between the Examiner and Applicants' representative Salvador M. Bezos (Reg. No. 60,889).

During the interview, the parties discussed approaches for advancing the Application to allowance and overcoming the applied references. These approaches, as discussed in further detail below, have been incorporated into the proposed claim

amendments. The Examiner indicated that the approaches discussed appeared likely to overcome the applied references, but the specific claim amendments would have to be considered.

As discussed, the Examiner is invited to contact the undersigned to clarify any remaining matters in order to advance this Application to allowance. The Examiner's assistance and advice is greatly appreciated.

Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 1, 13, 14, 17-22, 35-39, 64 and 67-80 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 5,819,092 to Ferguson et al. in view of "Integrating Bottom-Up and Top-Down Analysis For Intelligent Hypertext" to Pitkow et al. Applicants respectfully traverse.

Claim 1 as amended recites, in part (emphasis added):

producing, by a computing device, an access history profile by filtering one or more transaction logs originating from one or more servers to select transactions associated with a session identifier, *wherein the session identifier is distinct from identification of a client or a user of the client*, wherein the session identifier identifies a series of related requests made by the client to the one or more servers, *wherein the one or more servers are configured to receive a request from the client that does not include a session identifier*;

Support for these amendments is found in the as-filed Specification at least at p. 5, ll. 8-9 ("[i]n a preferred embodiment, the present method involves returning the SID from the server to the client upon an initial service request made by the client", supporting "wherein the one or more servers are configured to receive a request from the client that does not include a session identifier"). Additional support is found in the as-

filed Specification at least at p. 5, ll. 4-5 (discussing “unique ID codes” (IP addresses)) and ll. 20-23 (discussing an exemplary embodiment in which a session identifier can contain a user identifier), supporting “wherein the session identifier is distinct from identification of a client or a user of a client.”

As evidenced from the support for the aforementioned claim elements in the Specification, and from the plain language of the claim elements, a session identifier as claimed is a fundamentally different construct from any form of machine, client, or user identifier. Additionally, while many Internet protocols communicate using some form of machine, client, or user identifier in order to allow a server to provide a response (e.g., an IP address to uniquely identify a requester), claim 1 further clarifies that a session identifier is not essential for establishment of communications, as a client can still communicate with a server absent a session identifier. In short, the session identifier as recited in claim 1 has the specific purpose of identifying “a series of related requests made by the client to the one or more servers.”

The Examiner does not rely on Ferguson as allegedly teaching “transactions associated with a session identifier,” and instead introduces Pitkow as allegedly supplying the missing teaching. Applicants note that the Examiner does rely on Ferguson as allegedly teaching “transactions that identifies a series of related request [sic] made by a client to the one or more servers.” However, claim 1 is distinguished from this combination of references at least because of the properties of the session identifier, as further clarified by the amendment, that is used to make this identification. Neither Ferguson nor Pitkow teach or suggest these claim features.

Pitkow is directed to analysis of log files by partitioning data into “usage sessions.” (Pitkow, p. 2 “Results”). However, Pitkow’s determination of a session boundary is, per Pitkow’s own assessment, “ambiguous given the application in question.” This is because Pitkow relies on a user identifier (“participant number”) together with statistical analysis (“1 1/2 standard deviations (25.5 minutes) from the mean time between events (555.6 seconds)”) to approximate a session. This is a fundamentally different approach from the claimed use of a “session identifier”, which itself “identifies a series of related requests made by the client to the one or more servers.”

More particularly, the Pitkow “participant identifier”, or any other purported identifier in Pitkow, fails to satisfy at least the newly-added claim elements of being “distinct from identification of a client or a user of the client” and “wherein the one or more servers are configured to receive a request from the client that does not include a session identifier.” Pitkow’s participant identifier is necessarily attached to every single request, and directly identifies either a client or a user of a client.

For at least the aforementioned reasons, claim 1 is not rendered obvious by the combination of Ferguson and Pitkow. Claims 64 and 67 recite similar distinguishing features to claim 1, and are likewise not rendered obvious by the combination of Ferguson and Pitkow for at least the same reasons as claim 1, and further in view of their own respective features. Claims 13, 14, 17-22, 35-39, and 68-80 each depend from one of claims 1, 64, and 67, and are likewise not rendered obvious by the combination of Ferguson and Pitkow for at least the same reasons as claims 1, 64, and 67, and further in view of their own respective features.

Accordingly, Applicants respectfully request the reconsideration and withdrawal of the rejection of claims 1, 13, 14, 17-22, 35-39, 64 and 67-80 under 35 U.S.C. § 103(a).

New Claims

Applicants seek entry of new claims 81-83. Claims 81-83 depend from one of claims 1, 64, and 67, and are therefore believed to be patentable for at least the same reasons as claims 1, 64, and 67, and further in view of their own respective features. Support for new claims 81-83 is found in the as-filed Specification at least at p. 5, ll. 5-8 (“[o]ne aspect of the invention involves forwarding a service request from the client to the server and appending a session identification (SID) to the request and ***to subsequent service requests from the client to the server within a session of requests.***”

Claims 81-83 are further distinguished from the combination of Ferguson and Pitkow, as applied to independent claims 1, 64, and 67, by virtue of the notion that “the session identifier is appended to each subsequent request of the series of related requests within a session.” This behavior further clarifies that a session identifier is something more than a client, user, or machine identifier, but is particular to a session. The implication, by way of non-limiting example, is that a single client, user, or machine can communicate with a same one or more servers (or different servers) using different session identifiers, thereby maintaining separate sessions for each communication. This cannot be accomplished by an identifier that is unique to a client, user, or machine alone.

Applicants additionally seek entry of new claims 84-98. Claims 84-98 recite similar distinguishing subject matter as claims 1, 13, 14, 17-22, 35-39, and 81, and find

similar support in the as-filed Specification. Entry and allowance thereof is respectfully requested.

Applicants further seek entry of new claims 99-102. New claims 99-102 find support in the as-filed Specification at least at p. 5, ll. 20. Entry and allowance thereof is respectfully requested.

For at least the aforementioned reasons, entry and allowance of claims 81-102 is respectfully requested.

Related Reexamination and Litigation

Patents related to the instant application have been involved in reexamination and litigation. While Applicants have made an effort to cite all relevant information to the Examiner in compliance with the duty of disclosure, Applicants wish to draw the Examiner's attention to several cases listed below:

Case	Status
<i>Soverain Software LLC v. Amazon.com, Inc. et al.,</i> (E.D. Texas 6:04-cv-00144)	Dismissed
<i>Soverain Software LLC v. CDW Corporation et al.,</i> (E.D. Texas 6:07-cv-00511)	On Appeal to the U.S. Court of Appeals for the Federal Circuit

These actions relate to U.S. Patent No. 7,272,639 and/or U.S. Patent No. 5,708,780, to which the instant application is related.

In addition, Applicants wish to call to the attention of the Patent and Trademark Office the following reexamination proceedings involving a patent that is directly related to the instant application:

Proceeding	Status
<i>Ex Parte</i> Reexamination of U.S. Patent No. 5,708,780 (Control No. 90/007,183)	Reexamination Certificate Issued; March 15, 2006
<i>Ex Parte</i> Reexamination of U.S. Patent No. 7,272,639 (Control No. 90/011,444)	Reexamination Certificate Issued; September 29, 2011
<i>Ex Parte</i> Reexamination of U.S. Patent No. 7,272,639 (Control No. 90/011,937)	Notice of Intent to Issue a Reexam Certificate mailed August 30, 2012

Applicants hereby invite the Examiner to review any papers in the above-identified proceedings. If the Examiner should wish to review any other materials, information, or documents from the related proceedings, copies can be provided to the Examiner upon request.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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